

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DUSTYN L HAHN-KABELE**  
Claimant

**FAMILY GUYS FREIGHT LLC**  
Employer

**APPEAL 20A-UI-04750-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/22/19  
Claimant: Respondent (4)**

Iowa Code § 96.6(2) – Timeliness of Protest  
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges  
Iowa Code Chapter 96 – Requalification

**STATEMENT OF THE CASE:**

On May 22, 2020, the employer filed an appeal from Statement of Charges dated May 8, 2020, for the first quarter of 2020. A hearing was scheduled for June 17, 2020, pursuant to due notice. Claimant participated. Employer participated through owner/manager Russell Johnson. Official notice was taken of the administrative record.

**ISSUES:**

Is the employer's protest timely?  
Is the employer's appeal from the statement of charges timely?  
Has claimant requalified for benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of December 22, 2019.

On December 24, 2019, Iowa Workforce Development (IWD) mailed a notice of claim to employer's last address of record. While employer received notices of claim for other employees around the same time, he does not recall receiving a notice of claim for claimant. Employer timely responded to the notices of claim he did receive during that time period.

Employer's first notice of charges for claimant's benefits was the receipt of the Statement of Charges mailed May 8, 2020, for the first quarter of 2020. The employer filed its appeal of that Statement of Charges on May 22, 2020.

Had employer received the notice of claim, he would have protested on the basis that claimant voluntarily resigned for other employment in June 2019. The claimant has requalified for benefits since his separation from this employer.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6(2) provides, in pertinent part:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant.

Iowa Code section 96.7(2)a(6) provides:

2. Contribution rates based on benefit experience.

a. (6) Within forty days after the close of each calendar quarter, the department shall notify each employer of the amount of benefits charged to the employer's account during that quarter. The notification shall show the name of each individual to whom benefits were paid, the individual's social security number, and the amount of benefits paid to the individual. An employer which has not been notified as provided in section 96.6, subsection 2, of the allowance of benefits to an individual, may within thirty days after the date of mailing of the notification appeal to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing and the employer and the individual shall receive notice of the time and place of the hearing.

The administrative law judge concludes that the employer timely appealed the statement of charges and it did not previously receive the notice of claim. The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The May 8, 2020, Statement of Charges for the first quarter of 2020 is modified in favor of the appellant. The employer has filed a timely appeal from that Statement of Charges and did not previously receive notice of the claim. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.



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Christine A. Louis  
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June 30, 2020  
Decision Dated and Mailed

cal/sam